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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,303	04/10/2001	William E. McCoy	HOTSTAMP. PAT	8295

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/832,303

Applicant(s)

MCCOY, WILLIAM E.

Examiner

Dan Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing. Applicant may wish to illustrate the structural layers created by the claimed process or he may wish to illustrate a flow chart of the claimed process.

### *Claim Objections*

2. Claims 1-8 are objected to because of the following informalities:

In claim 1, line 6, it appears that "service" should actually be --surface--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4 and 7 rejected under 35 U.S.C. 102(e) as being anticipated by Oshima et al.

With respect to claims 1 and 4, Oshima et al. discloses the process of imprinting an identification card including the steps of imprinting a plastic substrate (Oshima et al., col. 3, lines

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40-53; col. 4, lines 15-18) and overlying a plastic film (hologram layer 5) over the card and laminating the two together with a heated plate (Oshima et al., col. 4, lines 30-44).

With respect to claim 7, Oshima et al. discloses that the hologram layer may be made from the same material as the substrate film which can be made of polyester (Oshima et al., col. 5, lines 42-64)

5. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Klinefelter et al.

With respect to claim 1, Klinefelter et al. discloses a process for imprinting plastic identification cards including printing indicia on a plastic substrate (Klinefelter et al., col. 2, lines 45-52), overlying a laminate film with the plastic substrate (Klinefelter et al. col. 3, lines 19-24) and applying heat from heater 22 thus providing a durable coating to the card.

With respect to claims 2-3, Klinefelter et al. discloses that an ink jet printer (which is inherently computer-driven) is used for printing the information on the identification card.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al.

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With respect to claim 5, Oshima et al. discloses the claimed process of creating an identification tag except that the thickness of the polyester layer is not known to the examiner. However, the optimal thickness of the polyester layer could have readily been determined by one of ordinary skill in the art through routine experimentation and appears to involve no apparent unobviousness.

With respect to claim 8, the optimal temperature of the oven could have readily been determined by one of ordinary skill in the art through routine experimentation and involves no apparent unobviousness.

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klinefelter et al. as applied to claims 1-3 above, and further in view of Minkus et al.

With respect to claim 6, Klinefelter et al. discloses the claimed process of imprinting an identification tag except that it is not known to the examiner what type of material is used as the outer layer. However, Minkus et al. teaches that polyester is a known outer lamina layer as mentioned in col. 4, lines 13-23. It would have been obvious to combine the teaching of Minkus et al. with the process disclosed by Klinefelter et al. for the hard, tough, abrasion-resistant properties of polyester.

With respect to claim 7, Minkus et al. discloses the polyester layer as mentioned above and further discloses laminating the identification card between two heated platens 23-24.

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*Response To Arguments*

9. Applicant's arguments regarding the above rejection have been considered, but are not found to be persuasive.

The terms in the claims are given the broadest reasonable interpretation. In claim 1, applicant uses the phrase, "sufficient to weld." The term "weld" has one definition given by Merriam Webster as, "to unite (plastics) in a similar manner by heating." While applicant may be disclosing a specific embodiment of the invention in the specification which uses a special form of welding, the claims are still open to the broader interpretation of the definition of, "to weld." It is believed that Oshima et al. does disclose "applying heat. . . to weld" in this broader interpretation. If applicant intends a more specific meaning of the phrase "to weld," language regarding this meaning should be recited in the claim language.

It is also noted that applicant has not addressed the objection to the claims or the drawing requirement.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

May 1, 2003

  
Dan Colilla  
Primary Examiner  
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